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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,531

07/19/2004

Neil Colin Widmer

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23413 7590 03/12/2008

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EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT

PAPER NUMBER

2113

MAIL DATE

DELIVERY MODE

03/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,531	<b>Applicant(s)</b> WIDMER ET AL.	
	<b>Examiner</b> Michael C. Maskulinski	<b>Art Unit</b> 2113	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 4,5,8,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/6/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**Final Office Action**  
***Information Disclosure Statement***

1. The information disclosure statement filed December 6, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 6, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Qin et al., U.S. Patent 6,594,620 B1.

Referring to claims 1 and 15:

a. In column 3, lines 47-50, Qin et al. disclose that complete failure is determined by performing a regression analysis on an identified faulty sensor's measured values, and is indicated by the statistical inference that the regression line has zero slope (generating a first message containing a first software variable having a first site-specific value that is transmitted from the first computer to the second computer, the first site-specific value indicative of whether one of a fault event, a maintenance event, or a calibration event associated with the first computer has occurred).

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b. In column 5, lines 29-41, Qin et al. disclose receiving the first message at the second computer, the second computer storing the first site-specific value in a first record of a first database, the first record being associated with the first software variable).

c. In column 5 lines 61-67 continued in column 6, lines Qin et al. disclose that the Identification Unit attempts to identify the nature of the fault by comparing the identification indices to a corresponding set of thresholds (determining whether the first site-specific value is equal to a site-specific event indicator value indicative of an occurrence of an event).

d. In column 5, lines 52-60, Qin et al. disclose if the first site-specific value is equal to the site-specific event indicator value, then generating a second software variable having both a first predetermined name and a value equal to a first standardized value indicating that an event has occurred, else generating a third software variable having both the first predetermined name and a value equal to a second standardized value indicating that an event has not occurred.

Referring to claims 3 and 16, in column 1, lines 38-50, Qin et al. disclose monitoring of emission gases and in column 5, lines 52-60, Qin et al. disclose the fault event occurs when an emission monitoring device generates a measured value that is not substantially similar to a predetermined value when the emission monitoring device is monitoring a calibration gas.

Referring to claim 6, in column 6, lines 38-42, Qin et al. disclose making sensor data available to an operator console (displaying one of the second and third standardized values on a computer monitor).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al., U.S. Patent 6,594,620 B1 as applied to claim 1 above, and further in view of Almstead et al., U.S. Patent 6,499,114 B1.

Referring to claim 7, Qin et al. don't explicitly disclose that the first software variable has a site-specific software variable name. In column 8, lines 13-19, Almstead et al. disclose a site-specific software variable name. It would have been obvious to one of ordinary skill at the time of the invention to include the site-specific variable name of Almstead et al. into the system of Qin et al. A person of ordinary skill in the art would have been motivated to make the modification because the data evaluation and logging techniques of on-site monitor enhance the capability of early detection of developing problems or system degradation (see Almstead et al.: column 8, lines 26-28).

***Allowable Subject Matter***

6. Claims 9 and 11-14 are allowed.

7. Claims 4, 5, 8, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

9. On pages 7-8, under the section **REMARKS**, the Applicant argues that certain limitations of amended claims 1 and 15 are not taught by Qin et al. The Examiner respectfully disagrees. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. For sake of argument, in column 5 lines 61-67 continued in column 6, lines Qin et al. disclose that the Identification Unit attempts to identify the nature of the fault by comparing the identification indices to a corresponding set of thresholds (determining whether the first site-specific value is equal to a site-specific event indicator value indicative of an occurrence of an event).

***Conclusion***

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on December 6, 2007 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Maskulinski whose telephone number is (571)272-3649. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C Maskulinski/  
Primary Examiner, Art Unit 2113